

## REMARKS

Claims 1 and 15 have been amended. Claims 1-18 remain pending in the application and stand rejected under 35 U.S.C. § 103 as being obvious over the combination of Sutton and Bantz. This rejection is respectfully traversed for the reasons set forth below.

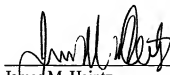
Claim 1 has been amended to recite “(h) repeating steps a-g for a subsequent patch data and encrypted control block using a subsequent public key selected by the apparatus from the list of public keys stored in the non-volatile memory, the subsequent public key being different from the current public key deactivated in step (g).” This step is neither taught nor suggested by Sutton or Bantz. The Office Action acknowledges that Sutton does not disclose the deactivation of keys and relies on Bantz for this feature, citing col. 3, lines 30-37. However, Bantz does not disclose selecting a subsequent key from the list of public keys stored in the non-volatile memory. Instead, the cited passage of Bantz discloses a system that is adapted to “periodically search for a new decryption key from the receiver” or “obtain a new decryption key for storage into the memory.” Bantz involves a system for decrypting audio/video streams rather than software updates. Bantz is somewhat similar to satellite television systems in that new keys are periodically sent from a head end to a receiver/decoder, which is unlike the invention of claim 1 in which new keys are selected from a list of keys previously stored in a memory of the device receiving the encrypted communication. Accordingly, withdrawal of the rejection of claim 1 and claims 2-14 which depend therefrom is respectfully requested.

Claim 15 contains a limitation similar to that of claim 1 discussed above and thus defines patent subject matter for at least the reasons discussed above in connection with claim 1. Thus, withdrawal of the rejection of claim 15 and claims 16-18 that depend therefrom is also respectfully requested.

In light of the above, Applicants submit that this application is now in condition for allowance and therefore request favorable consideration. If any issues remain which the Examiner feels may be best resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact Applicants' counsel, James M. Heintz at 202.861.4167.

Respectfully submitted,

DLA PIPER US LLP

A handwritten signature in black ink, appearing to read 'James M. Heintz', is written over a horizontal line.

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